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A N
A C T,

IN ADDITION TO

A N A C T,

INTITLED

A N A C T

FOR

FORMING AND REGULATING

T H E

M I L I T I A

WITHIN THE

COLONY OF MASSACHUSETTS-BAY,

I N

N E W - E N G L A N D :

And for repealing all the L A W S
heretofore made for that Purpose.

Published by Order of the General Assembly.

B O S T O N :

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C. P. Thomas

July 17, 1917

STATE OF MASSACHUSETTS BAY.

*In the Year of our LORD, One Thousand
seven Hundred and Seventy eight.*

AN Act, in addition to an Act, intituled an
Act for forming and regulating the Mi-
litia within the Colony of the *Massachu-
setts-Bay*, in *New-England*, and for re-
pealing all the Laws heretofore made for
that Purpose :

WHEREAS the Provision made
in said Act, for drawing out the Preamble.
Militia of this State on an Alarm,
or to reinforce the Continental Army, does
not fully answer the good Purposes intended,
no Provision being therein made for detaching
from the Militia aforesaid, proper Guards for
the State Continental Stores and other purposes:

Be it Enacted by the Council and House
of Representatives in General Court assem-
bled, and by the Authority of the same,
That when it shall so happen, that in con-
sequence of an Order of the General Assem-
bly of this State, or the Council thereof,
any number of Officers or Soldiers belong-
ing to the training band, or to the alarm
list, shall be detached for any purpose, the
Person or Persons so detached by his or
their Commanding Officer, who shall have
due notice of his or their being so detached,
and being ordered by his or their com-
manding Officer to march to the Place of
his or their Destination, shall neglect or re-
fuse

Persons de-
tached refu-
sing to
march.

Not paying
the fine con-
sidered as a
soldier.

Fine appro-
priated.

Others de-
tached.

Proviso.

Fine for non-
equipment.

refuse to obey such Order, or shall not pay a Fine of *ten pounds*, or procure some able-bodied Man in his stead, within twenty-four hours after he shall have had Notice of his being so detached, shall be considered as a Soldier in such detachment, and treated accordingly : And in all Cases where the aforesaid Fine shall be paid, the same shall be appropriated by said officer to hire Men for that or any future Service his Company shall be called to perform ; and in case of the neglect or refusal aforementioned, the Officer shall proceed to detach others, 'till he shall have compleated the full Number so ordered to be detached :

Provided nevertheless, If the Officer making the Detachment in any Company, shall himself be detached and marched to any Post out of his County, the next Inferior Officer in said Company, that may be within the County, shall be holden to do the Duty enjoined by this Act, upon the Officer making the Detachment.

And be it further Enacted by the Authority aforesaid, If any Soldier on the training-band or alarm list within this State, shall neglect or refuse to equip himself according to the seventh Section of said Act, for the space of sixty Days after the Publication of this Act, shall pay a Fine of *three pounds*, and for every sixty Days afterward, he shall neglect or refuse to equip himself as aforesaid, shall pay a Fine of *six pounds* ;
said

said Fines to be recovered by Action of Debt, to be brought by the Clerk of the Company to which such delinquent Person belongs, before the Court of Common Pleas of the County where he resides, one third Part of these and all other Fines recovered at the Suit of the Clerk, to be to the use of the Clerk of the Company, the other two thirds to be laid out at the direction of the Captain of the Company, to furnish the same with Drums, Fifes and Colours, where such are needed, or by the Selectmen to purchase Arms for such in the same Town as are unable to supply themselves.

And be it further Enacted by the Authority aforesaid, That each Major-General belonging to the Militia of this State, shall nominate to the Council of this State, two Aid-de-Camps, and said Council are hereby empowered to appoint them accordingly, with the Rank of Major, and each Brigadier-General of said Militia, shall nominate one Brigade Major, and the Council are also empowered to commission one for each Brigade in said State, and each Aid-de-Camp, and Brigade Major so appointed and commissioned, shall keep an exact Account, with the proper Vouchers of all the Services they may respectively perform in the Execution of their Duty, by Virtue of General Orders, and exhibit the same to the Genaral Court from time to time for Allowance and Payment, with a Certificate

Fine how recovered.

Fine how disposed of.

Aid de camps by whom nominated and appointed.

Their rank. Brigade-Major by whom nominated. Commissioned.

Brigade Major and Aid-de camps keeping and exhibiting accounts of services to the Court.

Accounts how certified.

from the respective Generals by whose Order the same has been done, that said Service has been so done by them respectively :

Regular re-
turns of the
militia to
Council ne-
cessary.

And whereas it is essentially necessary to every good Purpose of this Act, that regular Returns of the Number of Men which compose the several Brigades and Regiments of Militia within this State, and their respective Posts or Stations ; together with the Number and Condition of their Arms, and various Equipments, should from Time to Time be exhibited to the Council, and their Orders duly transmitted to the Commanding Officers of Corps, and Returns made of the same :

Adjutant-
General ap-
pointed.
He to make
returns.

Be it enacted by the Authority aforesaid, That the Council of this State be, and they hereby are impowered to appoint a Person of adequate Accomplishments, to the Office of Adjutant-General ; and that he be directed to make just and true Returns of the state of the Militia as aforesaid, to the Council, and to the first Major-General, or in his Absence to the next Commanding Officer of the Militia within this State, on the first Monday of July, each Year successively ; and at all other Times when he shall be thereunto ordered : And that he annually prefer his Account for Services done, with proper Vouchers and Certificates to the General Court, for Allowance and Payment.

How paid.

Barrenks &c.
necessary.

And whereas the Movements of the Militia of this State, may be such as to render Barracks, Tents, Cooking Utensils, Beds and other Camp-Equipage, Waggons, Cattle, Forage, &c. necessary :

Be

Be it enacted by the Authority aforesaid,
 That the Council of this State, be, and they
 are hereby empowered to appoint a proper
 Person to the Office of Quarter-Master-
 General ; who shall make seasonable and
 suitable Provision of such Quantities of the
 Articles before specified, with such others
 as they shall order : And that he make reg-
 ular and true Returns of the same, with
 their respective Dispositions, to the Council,
 and to the first Major General of this State,
 or in his Absence, to the next Command-
 ing Officer within the same, on the first
 Monday of *April, July, October and Janu-*
ary, each Year successively ; and shall pro-
 cure, or cause to be procured, a sufficient
 Number of Waggon, for removing Stores
 belonging to this State, on the Order of
 the Commanding Officer, (where Stores
 may be deposited) when an Order of Coun-
 cil cannot seasonably be obtained for that
 Purpose : And that he annually prefer his
 Account for Services done, with proper
 Vouchers and Certificates, to the General
 Assembly, for Allowance and Payment.

QuarterMas-
ter appointed

His returns.

Waggon
procured.

His accounts
how dischar-
ged.

And be it enacted by the Authority aforesaid,
 That each Captain Commanding a Compa-
 ny of Matrosses in any Brigade of Militia in
 this State, shall have the Rank of Major,
 and the First-Lieutenant in each Company
 respectively, shall have the Rank of Cap-
 tain ; any Law, Usage or Custom, to the
 contrary notwithstanding.

Rank of the
officers of
the Matrosses.

And

And be it further enacted, That if any Non-commissioned-Officer, or private Soldier, being duly notified of the Time and Place appointed for the Company to which he belongs, to meet on a Training or Muster-Day, shall unnecessarily neglect to appear with such Arms, Accoutrements and Equipments, as he shall be possessed of, being ordered by his Officer to bring the same, shall pay a Fine of *Thirty Shillings*; and if he shall be Disobedient or Disorderly on a Training or Muster Day, he shall pay a Fine of *Twenty Shillings*: And all Fines and Forfeitures of Money arising by Breach of this Act, for Disobedience, or failure of Appearance on a Training Day, shall be recovered by Action of Debt, to be brought before a Justice of the Peace, by the Clerk of the Company to which the Delinquent belongs; an Appeal being allowed to either Party, to the Inferior Court of Common Pleas, as in other Actions: And if on such Trial, Judgment shall be given in favour of such Clerk, he shall have his legal Cost allowed him. And this shall be the Mode of recovering Fines and Forfeitures arising by Breach of this Act, or the Act to which this is in Addition; any Clause therein notwithstanding. And no Company shall be obliged to Muster to Train more than four Times a Year; nor any Regiment more than once a Year.

Fine for non-appearance on muster-days.

Fine for disorderly behaviour.

Fine how recovered.

An appeal.

Cost to the Clerk.

Companies to muster four times a year.
Regimental once a year.
